

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York on Tuesday, February 19, 1991 at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
Denise Civiletti, Councilwoman
Victor Prusinowski, Councilman
James Stark, Councilman

Also Present: Irene J. Pendzick, Town Clerk
Patricia Moore, Town Attorney

Absent: John Lombardi, Councilman

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Supervisor Janoski: "May I have a motion to approve the Board Minutes of the meeting of February 5th and the Special Board Meeting of February 13th."

Councilman Prusinowski: "So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: Moved and seconded."

The Vote: Prusinowski, yes; Stark, yes; Civiletti, yes; Janoski, yes. 4 yes and 1 absent

Supervisor Janoski: "This is our first meeting without Stanley Grodski who is now retired and we have wished him well in his retirement. We will certainly miss him."

REPORTS

TAX RECEIVER Report of collections as of 2/7/91
(\$20,944,427.31)

DOWNTOWN PLANNING ASSOC. Plan, report and map for Business Improvement District

FILED

APPLICATIONS

SITE PLAN AMEND Robert Edmund - temporary greenhouse

FILED

CORRESPONDENCE

MR/MRS. JAMES ENNIS Expressing gratitude for "Meals on Wheels" Program and their staff

ANNETTE HOLLANDER, M.D. Opposes Breslin application for increased density

SPORT FISHING UNLTD. Urges Town Board to favorably endorse the National Estuary Program

ALLEN SMITH Requesting that Town Board waive site improvement bond for Mohring Enterprises

CHAMBER OF COMMERCE Commends the Town and especially Larry Taylor for assistance in putting yellow bows on spruce trees and expresses support for Gold's Gym on Main Street

MERCHANTS ASSOC. Notes that they are in favor of granting permit to allow 100% of building area

PETER DANOWSKI Advises that Coastal Zone Erosion Local Law is zoning legislation. Suggests that Town institute litigation to challenge edicts of other agencies. Town's failure to litigate regarding wetlands and the river boundaries has resulted in expanded level of bureaucracy by the D.E.C.

RIVERHEAD FIRE DEPT. Requests exemption from Section 46 of the Town Law for their Annual Motorized Drill to be held August 24 with a rain date of August 25, 1991

TIM GRIFFING, JR. Requests denial of 100% lot coverage for permit of Parviz Farahzad

ALL FILED

Supervisor Janoski: "Thank you. The first scheduled public hearing is 7:40 P.M. I will recognize anyone who wishes to speak on any matter, anything on the agenda. Mr. Haizlip."

Steve Haizlip, Calverton: "I would like to address the Highway Committee, please. Mr. Prusinowski, I had spoken to you twice on Edwards Avenue on the right hand side next to the railroad where that drain is going uphill. You know that Freddy Fender once sung, WASTED WORDS AND WASTED NIGHTS. I hope that I am not wasting my words and I hope I'm not wasting my nights asking you about this. The hole in the area is a nice pond. It was very bad engineering when they did it. Would you please make a note and see if you can get our good engineer to look at it?"

Councilman Prusinowski: "I apologize Steve. We haven't gotten around to look at it, but we will. We have been kind of busy on other things. But we will get to it probably next week. I'll take a ride up there with Ken and I know exactly the location."

Steve Haizlip: "Okay. Now the second item that I want to address is doing the political campaign. Mr. LeValle sent out a list of feathers in his hat. One of them was that the Senate had voted to allow the towns to set their own speed limits, but it was rejected by the Assembly. I have been in touch with our first A.D. office and I asked them to search and see where that went because if we maintain our own roads and the taxpayers pay for it they should be able to have a say on our speed limit. She replies back that it was lost somewhere in committee. I think it was conveniently lost so that they could retain control. What I'm asking you to do is would you please send a letter to our First A.D. assemblyman and see how much he can dig up and progress on that?"

Councilman Prusinowski: "Diane's taking that note and we will write that up tomorrow and I agree with you. I think if the the Town taxpayers maintain town roads that we should have more than an advisory role in setting the speed limits. I'm not saying that the D.O.T. should not be involved, but as you know now Steve, we can only recommend and they have to do a study and they are the ones to set the speed limits."

Steve Haizlip: "Just to recap real quick. If the Senate voted it then they are in favor of it. Then what happened with the Assembly? Why are they are holding it up?"

Councilman Prusinowski: "We have to check on that."

Supervisor Janoski: "Thank you Steve. There are a couple of more minutes before the first scheduled public hearing. I will recognize anyone who wishes to address the Town Board. Henry Pfeiffer."

Henry Pfeiffer, Wading River: "I'm looking at Resolution #110 which designates Dime Savings Bank as limited depository and I recall a few moments ago having read that we collected almost 21 million dollars worth of tax receipts. With the current set up and the (how would I say it) the shakiness of banks etc. and the shall I say the insurance up to one hundred thousand dollars. How does the Town protect its assets?"

Councilman Prusinowski: "Collaterized loans."

Henry Pfeiffer: "The twenty one million dollars. Where have we got it? How are we protected?"

Councilman Stark: "One, the Dimes Savings Bank, Henry, is not related to our depositories as far as tax receipts. It is concerned with the Two Bears account and the setting up of the 120 homes for affordable housing. It was a process we had to go through in order to have the Dime Savings Bank participate in this financial program."

Henry Pfeiffer: "Oh, I am not challenging the Dime Savings Bank or anything like that."

Councilman Stark: "I thought you were questioning where we might be putting it all in there."

Henry Pfeiffer: "No, no, no. What I'm saying is that we've got so much money that must be deposited someplace. What kind of protection do we have? What kind of insurance do we have?"

Councilman Prusinowski: "In some accounts, Henry, the banks are required to collateralize their loans. In commercial cases it's different than in your one hundred thousand dollars. We have separate agreements with banks. In other words, not in all of our accounts, but in the accounts for example they'll take back say a three million dollar C.D. They must prove that they have collateralized the loan with other assets that are not attached."

Henry Pfeiffer: "Thank you."

Supervisor Janoski: "It's kind of a nice experience to require collateral from a bank. Yes, Florence."

Florence Sykora, Riverhead: "I was going through the resolutions and came to the one, I think it is #131. Authorizes help wanted add for Director of Program Evaluation. What kind of evaluation? For what purpose? Why do we have to have a Director of Program Evaluation?"

Councilman Stark: "A Director of Program Evaluation is just a fancy title for an administrator who will oversee the Recreation Department and senior citizens programs in the Town of Riverhead. It is actually in a sense a replacement for Stanley Grodski. It is a process which we are going through now to advertise to see if people are interested in applying for that job."

Florence Sykora: "Are you asking just around the Town here?"

Councilman Stark: "On no, we are publicizing-----"

Florence Sykora: "Where are you publicizing in New York too?"

Councilman Stark: "In Newsday-----"

Florence Sykora: "For Director of Senior Citizens?"

Councilman Stark: "That is correct."

Florence Sykora: "I thought people here in the Town Board evaluates this."

Councilman Stark: "It's a fancy name for an administrator."

Florence Sykora: "To me, I think this should be on the Town level. That one of the Board should evaluate that. Not that we have to put in somebody else. Because I'm sure that you are not going to-----What would be the salary on this?"

Councilman Stark: "The salary has not been set yet."

Florence Sykora: "You would have to have an approximate idea of what salary you would be giving."

Councilman Prusinowski: "Mrs. Sykora, what we are doing here is an outgrowth from the last budget. The budget that we are in right now is to more consolidate and streamline Town government. What we are doing is moving coordinating the Senior Citizen Programs, the Youth Programs all under the Recreation Department umbrella and in a sense this new position encompasses what Stanley Grodski used to do and to have better coordination with all the programs in the Town that are recreation in nature. He's retired. He's off the payroll. This is not a new position that we are adding to the Town government at all."

Florence Sykora: "You mean that he didn't have an assistant that could take over for him to evaluate all this?"

Councilman Prusinowski: "That person is applying for the job too."

Florence Sykora: "That could go from there. Why go all the way into the city or somewhere to look for somebody? Because to me when you go into the city and look for somebody to come out here they are not going to look for a salary of \$25,000.00 or \$30,000.00 or \$40,000.00."

Councilman Prusinowski: "A lot of people who are applying for this job happen to live in the Town of Riverhead too."

Florence Sykora: "Yes, I can understand that. But we are crying that we don't have enough money. That our taxes are going up and everything and you are making a new job."

Councilman Prusinowski: "No we are not. This is not a new position."

Councilman Stark: "The position that we are seeking will reduce what we were paying in the past. So we are saving money. We are consolidating several programs in the Town of Riverhead under an administrator."

Florence Sykora: "I hope it will because like I say I can't see going out of town or advertising out of town for somebody. I think it should stay in the Town if you are going to get somebody like that."

Councilman Stark: "If we can find somebody in Town to qualify and who fits the qualifications that we are seeking we will surely hire locally from the Town. If we can't find somebody locally in the Town of Riverhead, I can assure you that we will seek out the best, most qualified person that we can find."

Florence Sykora: "I still say this is no way of saving money though."

Nora Dirska, Riverhead: "What is wrong with the Deputy Supervisor taking over that job? You know she has done practically that whole job for the past five or six years. I'm sorry fellows, but I must give you an argument on this."

Councilman Prusinowski: "Because the Deputy Supervisor's function is that she is the right arm for Joe's office."

Supervisor Janoski: "Excuse me. She doesn't mean that. She means the Deputy Superintendent."

Councilman Prusinowski: "Oh Deputy Superintendent. I thought she meant the Deputy Supervisor."

Nora Dirska: "No, the Deputy Superintendent. I'm not talking about Monique. I'm talking about the Deputy Superintendent, Jane Vandenthoorn. I mean that girl has done a terrific job. Really and truly. I think that she would be the logistical one to get that job."

Supervisor Janoski: "Thank you for that opinion and that advice."

Nora Dirska: "Jimmy are you listening?"

Councilman Stark: "Yes I am. I'm looking directly at you."

Nora Dirska: "Oh, okay. Please take her under consideration. This girl has done a terrific job for the youth and the senior citizens, everybody."

Councilman Stark: "She will have every opportunity to apply for the job and be considered for the job."

George Schmelzer, Calverton: "I heard that somebody stole the Town truck. Did they get it back yet?"

Supervisor Janoski: "No we didn't, George."

George Schmelzer: "I heard that the Town has a self insurance plan now. I remember a few years back when the Town stole several advertising signs in Town and how about using out of that fund to pay the owners of those signs. Stolen property that the Town stole."

Supervisor Janoski: "Those signs were taken down under the law."

George Schmelzer: "Well, yeh. We thought we got rid of Hitler and Stalin years ago. Looks like some of it stayed with us like aids does with some people. The guys that grow wine can have signs because that is okay, huh. That's different. Would you take that into consideration anyway?"

The School Board tells us, when you pin them down, that they have everything mandated. Would you ask them what is mandated? You can't find out. I wonder if the Town Board could help getting a list of what's mandated at the schools. So we can go to our State Legislature and have something unmandated."

Supervisor Janoski: "George, I can probably give you a good idea of what's mandated someday if you want to stop by. You have in the Town of Riverhead the Riverhead School District which has elected members of a Board which governs the School District. I would suggest very strongly that you go to their meeting and ask for that information. Your Town Board does not have any authority or control over the school district. If you would like to stop by someday I could probably go through just off the top of my head a number of madates that exist that I'm aware of."

George Schmelzer: "I tried to help them district wide in Brookhaven one time and I gave up on it. It's useless. Thank you."

Supervisor Janoski: "Thank you George. The time has come for the first scheduled public hearing and the Town Clerk will please read the notice of public hearing."

P U B L I C H E A R I N G 7:40 PM

Town Clerk, Irene J. Pendzick: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 7:40 PM on Tuesday, February 19, 1991 to hear all interested persons who wish to be heard re: **THE SPECIAL PERMIT APPLICATION OF JEFFREY RIMLAND TO ALLOW MAXIMUM BUILDING AREA OF 100% ON PROPERTY LOCATED WITHIN THE BUSINESS "D" ZONE USE DISTRICT.**

We have two correspondents. One from the Riverhead Chamber of Commerce expressing full support for Gold's Gym and downtown Riverhead. The other from the Merchants Association in favor of granting the maximum building area."

Supervisor Janoski: "Thank you. Is there anyone present representing the applicant?"

Judy Hotchkiss, representing Rimlands: "I have a rendering with me here showing the front elevation of the proposed gym. The reasons that we need the permit to build on a 100% of the lot is to accommodate racquetball courts which will be located in the rear of the facility."

Supervisor Janoski: "The building is in this parking district?"

Judy Hotchkiss: "Yes."

Supervisor Janoski: "Probably for 30 or 40 years. You have a representative of Golds with you if there is any question. Thank you Judy. Is there anyone present wishing to address the Town Board on the matter of 100% lot coverage for Golds Gym which is a provision of the Business "D" business district zoning which exists in downtown Riverhead. Mr. Barth."

Barry Barth, Riverhead: "My name is Barry Barth. I own Barth's Drug Store on Main Street in Riverhead. I'm also a member of the Downtown Merchants Association. We would like to verse our complete support for the variance in the parking district for Golds Gym. We think that this will be a tremendous asset for downtown Riverhead and we have been working very hard to bring this kind of a business to downtown. I would also like to request that possibly the Town Board could address the situation at the Rimland building and maybe we could continue with condemnation procedures if it is not already in the works."

Supervisor Janoski: "Preliminarily it was and certainly the Board can consider that course."

Barry Barth: "I've noticed in the back of the building that there are some structural defects. The brick work is moving out from the building and I just don't know if it is going to become a hazard in a short period of time. Thank you."

Supervisor Janoski: "Thank you Barry. George did you have something to say on this public hearing?"

George Schmelzer: "I don't see any reason why not if people own land. There is only one problem if they wash their windows they will have to stand on somebody else's land? Or is it parking lot land?"

Supervisor Janoski: "The land in question is public land."

George Schmelzer: "I believe in people using their land to the fullest. Thank you."

Supervisor Janoski: "There being no other person wishing to speak I would declare the hearing to be closed at the hour of 7:53 P.M. The next scheduled public hearing was scheduled for 7:50 P.M. so we can move on with that and the Town Clerk will please read the notice of public hearing."

P U B L I C H E A R I N G 7:50 P.M.

Town Clerk, Irene J. Pendzick: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 7:50 p.m. on Tuesday, February 19, 1991 to hear all interested persons who wish to be heard regarding: **A PROPOSED LOCAL LAW ENTITLED RIVERHEAD COASTAL EROSION HAZARD AREA LAW.**"

I do have one correspondence today submitted from Peter Danowski and he observes that the Town is empowered to zone within its boundaries and adoption of local law constitutes recognition of the State's ability to control zoning. The Town should challenge other jurisdiction's imposing law where Town has full authority. He refers to two previous state laws: The Tidal and Freshwater Wetlands Legislation and the Wild, Scenic and Recreational Rivers Act. Neither of which the Town challenged when first introduced. The Board's decision to adopt local ordinances recognizes the State's authority. The Town should challenge for recognition of Town's exclusive right to deal with zoning issues."

Supervisor Janoski: "Thank you. Mr. Hanley."

Planning Director, Richard Hanley: "Ladies and gentlemen, members of the Town Board. Tonight's hearing is with regard to the seventh iteration of a Coastal Zone Management Ordinance upon which there have already been two hearings by this Board. It is the intent of this local law to allow the Town to assume the enforcement administration of the Coastal Erosion Hazard Area Act of 1981 as codified by New York State Environmental Conservation Law as Article #34. Where the previously proposed and heard ordinances went beyond the letter of Article 34, this proposal adheres strictly to it. The highlights of this version include a section providing for unregulated activities. A section providing for requirements for erosion protection structures. A section providing for emergency activities. A section providing for normal maintenance and a reduced area of regulated activity. The maps on the wall behind me depict the area to be regulated by the law that is all lands occurring or all activities occurring on land seaward of the natural features line which appears upon the map. In addition those maps or the maps that will be adopted, if this local law is adopted as the official maps by section 12-7 of the ordinance. I would ask that the hearing be open for comments. Thank you."

Councilwoman Civiletti: "Rick, may I just ask a question that I would like you to answer on the record? If the Town chooses not to adopt this law. What will happen or what might happen?"

Planning Director, Richard Hanley: "Article 34 was written---"

Councilwoman Civiletti: "And that was adopted by the State Legislature?"

Planning Director, Richard Hanley: "Which was adopted by the State Legislature was very similiar to what occured with Article 24 which was Fresh Water Wetlands and Article 25 which is Tidal Wetlands and allowed more local government to assume the responsibility to enforce and administration. I think Mr. Danowski's letter articulates what has happened with other State regulations which have not been assumed by the more local governments."

Councilwoman Civiletti: "But if we choose not to legislate here by adopting this, what will happen?"

Planning Director, Richard Hanley: "The law provides for the County to reject the assumption of administration. If they reject then the State, N. Y. S. D. E. C. will assume enforcement at administration and issue permits within the regulated area."

Councilwoman Civiletti: "So that the permit issuing authority that we are seeking to take upon ourselves by this legislation would fall to the N.Y.S.D.E.C. in Stonybrook if we do not adopt this?"

Planning Director, Richard Hanley: "That's correct under Article 34."

Councilwoman Civiletti: "Do they have discretion in that or must they do that in under the E.C.L.?"

Planning Director, Richard Hanley: "They must do it under E.C.L. as Article 34 has been promulgated."

Councilwoman Civiletti: "Thank you."

Supervisor Janoski: "Thank you Rick. Is there anyone present wishing to address the Town Board on this matter? George."

George Schmelzer: "Does the Town have to adopt the rules dictated by the State or can they make their own rules?"

Supervisor Janoski: "No, the State has set minimum requirements and that is exactly what we are adopting."

George Schmelzer: "What are those minimum requirements?"

Supervisor Janoski: "Rick. You know George there are notices in the paper about these hearings and that is where you are supposed to get this information. Rick, if you could very briefly explain."

Planning Director, Richard Hanley: "Sure. The notice of public hearing provided for copies to be inspected at the Town Clerk's Office of the proposed local law. Essentially what the law does is regulate activity on land seaward of the dark blue line which appears on the map behind me. That line essentially is a natural features line as described by Article 34 and in order to develop land or do any regulated activity under this local law the applicant would have to receive a permit from the administrator which is the Planning Board. And there are provisions for activities of beach areas, bluff areas and near shore areas. Things like that."

Supervisor Janoski: "Is there provision for grandfathering in for existing structures and the improvement of the same?"

Planning Director, Richard Hanley: "There is a provision for normal maintenance of structures. There is a provision for addition of structures if they are less than the 25% of the original floor area. So there are a number of provisions like that. There is also an appeals provision which provides for appeals to be made by the Zoning Board of Appeals if a permit is not granted or denied."

George Schmelzer: "This is only on the Sound front?"

Planning Director, Richard Hanley: "This local law is proposed merely for the northerly coastal areas of the Sound Coast in the Town of Riverhead."

Supervisor Janoski: "Thank you."

Garrett Moore, Jamesport: "The waterfront regulations that are in place today are administrated poorly. Some of the policies are not understood by the authorities. Let me tell you about two of my experiences with water front regulations that have directly affected my Peconic Bay waterfront parcel. First experience. In May in 1987, Mr. Gene Gillman a high D.E.C. official visited my site. I discussed with him my proposal to construct a stone groin on the beach. He verbally agreed to approve the drawing as long as it was no longer than 30 feet. In December 1987 my wife and I submitted the appropriate forms along with a detailed survey and application fees to the D.E.C., the Army Corps. of Engineers, the N.Y.S. Coastal Management. Two years later I received approval from the Army Corps. of Engineers and the N.Y.S. Coastal Management. There was no response from the D.E.C. Last year I hired an attorney to approach the D.E.C. about the reasons for the extended delay in responding to my application. It is now February 1991 and I still am waiting for notification from Mr. Gillman's office concerning my application. Once my application is approved by the D.E.C., I must then submit my plans to yet another agency the C.A.C. Second experience. This relates to the Coastal Flood Plain Regulation. I was denied permission to construct a basement under my new waterfront home because the Riverhead Town Building Department failed to understand this laws

complexities. By the time they learned of their error from a local attorney, it was too late for my construction. Do we need more waterfront regulations? No. We need less and we need better administration of the current laws. These experiences have left me very bitter towards local government. Thank you for your time."

Supervisor Janoski: "Thank you. Yes sir."

William Roberts, Baiting Hollow: "It seems everytime we take one step forward we fall back two steps on this erosion control management. Back on June 30, 1989, I sent a letter to the Town Board indicating the problems that we had trying to build on our waterfront lot. We ended up spending \$25,000.00 and 30 months before we got the approval from the Suffolk County Health Department. The way the previous drafts were written there was no provision for grandfathering and I asked that since we were spending so much money, time and we had all the approvals in place if there should be a grandfathering in those cases. In a on again, off again public hearing on July 18th, 1989, Pete Danowski very clearly stated the desirability with the necessity for grandfathering those hugh parcels that had been bought up by developers. The way this draft is written now there will have to be building permits in place for every parcel on the bluffs prior to the enactment of this law. That's the way it's structured. Now in the previous draft, which was draft number six, it very clearly stated 'new construction will be regulated in order to qualify for and maintain participation in the National Flood Insurance Program.' (H) Sites which have undergone appropriate review by Town agencies and boards and which have received project approval from the Town prior to the adoption of this chapter shall not require further review according to the provisions of this chapter. (1) In the case of subdivision of land approval shall mean conditional preliminary approval of such plat pursuant to Section 276 of the Town Law provided, however, that final platt approval is granted within six months of preliminary plat approval. So we now, in my case, I have a small lot suitable for building a house. My wife died and I'll go ahead and build it because I can't sell the land vacant. The only way I can sell it is if there is a house on it. We decided after spending all that time and money, we'd build a house on it. But now the new restrictions that eliminate the grandfathering where all approvals have been obtained; I don't think they are all fair and I think something should be done to grandfather parcels. Can I go on?"

Supervisor Janoski: "I'm sorry. Yes, go on."

William Roberts: "Have the Coastal Erosion Hazard Maps been approved yet by the Town Board? Or do they become approved when this becomes Town Law?"

(Inaudible - don't know who answered)

William Roberts: "Coastline and coastal waters on page 4 Section E. It refers to the lands adjacent to the Town's coastal waters as the Long Island Sound and its connecting water bodies, harbors, shallows and marshes. However, the coastal waters included in N.Y.S. Regulations include the Atlantic Ocean. I think that we ought to mention too the Peconic Bay. Not only just L. I. Sound because Peconic Bay is a part of the Atlantic Ocean. It isn't part of L. I. Sound. On page 4, also, there is a definition Debris Line. It means a linear accumulation of waterborn debris deposited on the beach by [the previous draft said high waters on a beach]. Now all of a sudden it is changed - debris deposited by storm induced high water. In other words you can have a storm that will drive the debris line all the way up to the toe of the bluffs and that now becomes the area where vehicles can go with impunity because motor vehicles are restricted south of [in the case of the North Shore] the water side of the debris line. But if you now say storm induced debris that is laying against the bluff so vehicles can go up and down the beach. They won't below the normal mean high water mark. I think that should be taken care of.

In closing, excuse me, I was hospitalized last week with a mild stroke. But that doesn't impact what I want to say. What other Towns on Long Island have enacted this particular law? I understand too that the funding for this with the Federal Government was eliminated during the Reagan administration and I wonder who is going to be funding the State, County or Riverhead portion of enforcement of this particular law?

When Hugo hit in the State of North Carolina the State enacted a very strigent law, so strigent in fact that it prohibited building any place where the residences had been damaged. That law already has been attacked and people that sued the State have been awarded claims because the court ruled that the State could not deprive them of the right to build on land without compensation. I'm definitely against this particular version of the draft in the areas that I've discussed."

Brad Berthold, Northville: "I'm on the Erosion Committee which has been following this legislation since it's inception. Most of the people in my Civic Association are located along the beach in Northville and are affected by this. I would like to first thank the Town Boad because I think they backed off on a lot of what we thought were unreasonable restrictions in the first six drafts which would really would have made it impossible to build on some of these subsized lots that were developed before zoning and there were other owner restrictions that we weren't too happy with. And this is a tremendous improvement on that.

I think Mr. Robert's point is well taken. If you look at the signs in the other legislation apparently that governs driving on the beach after that controversy, I took it to mean that the debris line was the normal debris line, not the storm induced debris line which is actually up at the toe of the bluff. If you read it by that definition, vehicles could drive over the whole

sandy surface of the beach. I think the intent of that other legislation was to say keep down between the high and low water mark so you wouldn't drive on the sandy beach and the vegetation line. This storm induced debris line, I don't know who put that in there, would allow driving on the beach and the vegetated areas right on up to the toe of the bluffs. So maybe we could change that.

We also had some questions about the definitions. As I understand it from what Mr. Hanley said the area that we are concerned with and the legislation is concerned with is seaward of the blue line on the map as you might have remembered some ten years ago when the State drew that line there was a lot of controversy about their criteria for it and also the line on the map, on some maps, I think this one too was actually ten feet wide. So if you get into considerations of twenty five feet back from the line you say is it a twenty five back from the front of the ten foot line or is it twenty five feet back from the rear of the ten foot line. But one of the questions that we had was it's definition 'CC' in the law here, The Structural Hazard Area. They mention that the inland boundary of a structural hazard area is calculated by starting at the land that would limit and going back forty times the annual recession rate. From what I gather from Mr. Hanley all of the regulations concerning the structural hazard area will not be operating if this legislation is passed until such time as the State may designate some of this whole area as a structural hazard area which they have not done to date. Is that your understanding of it?"

Planning Director, Richard Hanley: "That is correct."

Brad Berthold: "So this is sort of a policy which would take that into consideration if it's passed by the State at a later date. That was one question we had. A lot of these definitions refer back and forth to each other. They cross reference and it seems to get confusing at some point. But again as I say generally what happened with us I think Mr. Robert's point was well taken about the driving, but we would again like to thank the Town and say we are grateful for removing a lot of these problems that we saw through all six definitions. I understand that the C.A.C. might not be happy with it, but we've been fighting erosion on the beach and I think we are well aware of what the erosion problems are and some of the methods we have had to take to combat that.

Also one other question I had was when these photographs are more recent than the ones the State had when this ten foot line was originally drawn. It looks to me like these are more recent photographs that the line has been imposed on. And one of the questions I have. Some of these man made structures are bulk heads, jetties, etc. were not on the State's original map when that line was drawn and I wonder if there are any provisions either in the State Law or I don't see it in the Town's Proposed Law to take those into consideration. In other words, if a property owner wants to build near a bluff if there were no man made erosion control things like jetties or bulkheads when the

State Law was written, but there are now. What I'm wondering is if you went to get a permit from the Town, from the Planning Board, and the situation was strictly reading the letter of the law you might not be granted the permit based on the considerations in the law as written. Would they take into consideration that you did have a bulkhead ten feet in front of the bluff or some structure that would probably decrease the probability of erosion that the State would say exists now? That's one of the questions. Do you know the answer?"

Planning Director, Richard Hanley: "The intent of the photos is to show a boundary line not to depict any and all improvements which might require a future permit. I think to answer the question the Planning Board as administrator in the ordinance would, of course, recognize any existing conditions on the site in the issuance of a permit."

Brad Berthold: "Okay. Thank you very much."

Supervisor Janoski: "Rick, could I ask you how it came about -- Mr. Robert's point of the storm driven debris as opposed to what was previously written?"

Planning Director, Richard Hanley: "This was a definition that came out of the State of New York. The intent again is to mirror Article 34. My opinion is that the State would not reject our assumption of this if that were changed."

Councilwoman Civiletti: "Can you address Mr. Robert's point about the grandfathering issue? Was that changed in this draft and if so why?"

Planning Director, Richard Hanley: "The original or the sixth iteration of this thing talked about regulated activities which went beyond just building permits. It talked about subdivisions and other approvals. It also involved an area which was far larger than this area. It involved an area which included a one hundred foot setback from the line that appears behind me as well as a coastal zone management area as it was described which included all slopes in excess of 20%. So there was a lot of land that was made part of the original ordinance which would be regulated. Everything here deals with land which is considered to be a natural feature, which is either a beach or a near shore area or a bluff area and the decision was made to---since the only regulated activity is actual construction on site that you would need a building permit anyway so----."

Councilwoman Civiletti: "If somebody already has a building permit for a regulated activity within this area and that permit was approved prior to the adoption to the legislation, what would happen to that person?"

Planning Director, Richard Hanley: "They would have a valid building permit."

Councilwoman Civiletti: "It's not affected by this?"

Planning Director, Richard Hanley: "Correct. It's not a regulated activity."

Supervisor Janoski: "Thank you."

William Roberts from audience: "I would just like to ask one quick question."

Supervisor Janoski: "I'm sorry Bill, but you can't. Our procedure is to give everyone an opportunity to speak who wishes to speak and then we go back for another round. Allen."

Allen Smith: "Good evening. I thank you for the opportunity to address what I believe to be the seventh revision of this local law.

I preface my comments with an observation. What is proposed must be gauged against Riverhead's current experience in dealing with the New York State Department of Environmental Conservation. That experience shows that nothing can be assumed and that fairness is not a concept that they recognize. In the late 1970's we pointed out that the dump was not in Zone III. Today, we are spending thousands of dollars to prove that point. With reference to the Scenic and Wild River we thought we knew what "tributaries" were. Today, we litigate the limits and all growth along the river has been effectively killed. In short, if nothing else, we have learned and are learning that the Department of Environmental Conservation cannot be trusted. I ask that you remember that as you consider voting upon this particular local law.

With reference to Article VI, I would delete all references to approvals by the DEC, County Planning, etc. This language is an effort by the DEC to get you to give them powers they do not have as a matter of law. The zoning power is held by the Towns and Villages pursuant to the State Constitution. Efforts by the DEC to zone (directly or by veto as is provided in this draft) are subject to challenge. If you adopt this local law, you will have given away the Town of Riverhead's zoning powers along the shoreline. The language should be changed to the same as your local laws that you adopt on a regular basis and as is outlined by Municipal Home Rule Law.

With reference to Section 12-5 Findings, I would suggest that two factual statements be made. First, I would make a finding that in the past fifteen years no structures (with the exception of the Iron Pier Boat Ramp) have been damaged by erosion in the area regulated by this local law. Further that to this Town Board's knowledge, no public or private funds have been expended as a consequence of erosion in the regulated area. Secondly, I would include a finding that the adoption of this local law has been mandated by the State of New York and by the NYSDEC and that but for this mandate this Board would not adopt the local law.

With reference to Section 12-5 Findings (A), it would be

helpful if you clarified the fact that this local law is limited to Long Island Sound. I do not know what "regulated water bodies" are and I am gun shy because of our experience with the Peconic River.

With reference to Section 12.6 (D) and Section 12-27 (E), please note that these sections as written are unconstitutional because they delegate the power of the Town Board to the DEC. You may adopt the DEC maps. You may after a hearing adopt any amendments made to those maps. You may not, however, make amendments to those maps made by the DEC law without further input from this Town Board. You folks have the power, not the DEC and you should keep it in your own hands.

If you really want to understand where the DEC heads are at, study Section 12-27(E). The DEC knows that it does not have zoning power. However, they want it ever so badly. So they try to steal it. By adoption of this (their) proposed local law, you make their regulations the zoning law of this Town. There is no local input. It's very neat. Very cute. There are no hearings. There is no Town Board debate. You adopt this local law and the DEC by means of its rules and regulations takes over. I hope that by now the Riverhead Town Board would have had its fill of this obvious power grab by the Department of Environmental Conservation.

On behalf of my clients, I would appreciate the opportunity to inspect the maps before the Town Board votes.

I thank you for your consideration of the above.

I'll make two off the cuff comments. Some of what I've written of which you will get a chance to read is technical. But the Municipal Home Rule Law of the State of New York and the State Constitution give you the zoning power. You've got it. If you hang onto it you don't just say in something like this 'whatever the DEC wants, whatever their amendments are, whatever the changes in their maps become the law of this Town.' They can't get it. You have to affirmatively under those statutes give it to them. And I ask that you please do not do so. If you adopt a law keep the control here. If they want to amend their regulations fine. You'll have another hearing the law will come in and take a look at the regulations and we will get our say and you will either amend the regulations or don't amend the regulations as you choose. But don't just give it away. We've been down that road so often. It is such a detriment to our community. And secondly, nobody is hurt by the truth. They can't object to my suggestion about findings. In truth, we don't need this law in this Town. The grade erosion, the caving in of the bluffs, the houses falling over the edge. They haven't happened. They haven't happened in 15 years. There really isn't anything happening that warrants this thing in a factual basis in this community. You can't speak to any other place.

And the other thing is, please, if you are going to do this and I guess you have to include that paragraph about the mandate. Give the guy in the black robes the opportunity to see the finding included in this thing that says, 'Hey but for this State legislation and but for the pressure we're under with the NYS DEC we wouldn't do this or we wouldn't do this at this extent or

whatever you choose'. That's your job not mine. But we've been stung so often of late on this stuff. I hope you'll consider what I've had to say and what Peter has to say and what these folks have had to say this evening. Thank you."

Supervisor Janoski: "Thank you Allen. Is there anyone else wishing to address the Board? Mr. Roberts."

William Roberts: "I have a question for Rick Hanley. What are the dates of these maps? Are these the 1988 or more recent maps?"

Supervisor Janoski: "Mr. Hanley if you could step forward and provide an answer to that question."

Planning Director, Richard Hanley: "The date that appears on the map is 8/29/88."

William Roberts: "It would appear then that these have not been updated. These are the last ones that were made available to the members of the community when this was presented back in two or three years ago. This law is supposed to function----I commend Allen Smith on his presentation. This law is supposed to function where there is an erosion rate of one foot or more per year or natural protective feature areas such as to include beaches, dunes, sand bars, barriers, bays, etc. etc. In the presentation my wife and I had to make to the Suffolk County Health Department we had to get the services of an environmental consultant. He got maps, Lockwood, Kessler, Bartlett showing the aerial views of the particular part of Long Island Sound where our lot was located. In 62 years and was proven to the Health Departments satisfaction [and I've got a copy of that survey, the finding at home, quite a thick book] the rate of erosion in 62 years on our lot was just over 3 feet. That is not an erosion rate of more than one foot per year. So it is very possible when the State came through and said 'Well we have to protect these shore lines. They just blanketly applied it across the board and that one foot erosion rate does not apply in most cases along the North Shore.' As Allen Smith said, Iron Pier, that was an unusual storm and once in a hundred years possibly. But 62 years, 3 foot erosion is not----- I wouldn't have any bluff left if that were the case."

Planning Director, Richard Hanley: "I think that there may be a fundamental misunderstanding here. The line that is shown on the map is not an erosion hazard area line. It is a natural features line. The State has the authority to show or depict an erosion line. However, they have not done so for Long Island. So your commentary on the Sound Bluffs, I have no quarrel with."

Supervisor Janoski: "Thank you."

Henry Talmadge, Sound Ave., Riverhead: "I guess that this thing has been kicked around for a year and a half or so. We have seen it come sort of full cycle here. Certainly the proposed

adoption which is kind of a gun being held to our head is a lot better than anything else that's come out thus far. But like Mr. Smith said, the idea of home rule is of course something we want to preserve and want to control, I would think in this instance. But if it is possible to clarify that in anything that is sent along with the approval of this mandate from the State. I think it can only help in the future because we are seeing what is happening with the DEC and probably everybody in this room has either had a problem or has known someone who has had it. The dealings with them are just not rational. Something that sounds good today can turn around and bite us later on. I would guess that I would go on record supporting the Town's adoption of this, but with a caution that goes along to see that it doesn't turn around and bite us."

Supervisor Janoski: "Thank you Henry. Does anyone else wish to address the Town Board on this matter? That being the case and without objection I declare the hearing to be closed at the hour of 8:30 P.M. The next scheduled public hearing is for Parviz Farahzad. Would the Town Clerk please read the notice of public hearing."

P U B L I C H E A R I N G 7:55 P.M.

Town Clerk, Irene J. Pendzick: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 7:55 p.m. on Tuesday, February 19, 1991 to hear all interested persons who wish to be heard regarding: **SPECIAL PERMIT APPLICATION OF PARVIZ FARAHZAD TO ALLOW UP TO 100% BUILDING AREA LOCATED WITHIN BUSINESS "D" ZONE USE DISTRICT.**"

I have one correspondence faxed to us today from Timothy Griffing Jr. requesting that permission to build on 100% of the property be denied."

Supervisor Janoski: "Thank you. Is there anyone present representing Mr. Farahzad? Mr. Farahzad."

Parvis Farahzad, Stonybrook: "I'm representing myself."

Supervisor Janoski: "Why don't you tell us briefly what your plans are."

Parvis Farahzad: "My plans are to build a two story office complex on that site and not necessarily on 100% of the property. Maybe somewhere around 80 to 90%. So I guess I have to apply for 100%, it may not be 100%."

Supervisor Janoski: "Could you tell us what the square footage is of your building? Approximately."

Parvis Farahzad: "Twelve thousand square feet, but we are allowed to put up to 28,000 square feet. Twenty eight thousand square feet are allowed, but we are only putting up 12,000 square feet."

Supervisor Janoski: "Does anybody have any questions? (Asked of the Town Board Members) Thank you Mr. Farahzad. Is there anyone wishing to address the Town Board on the matter of this application? Yes."

Audrey Austin, Sag Harbor: "I have no objection to Mr. Farahzads building on his lot, but I do have some questions about parking. West Main Street, even though there may be some public parking there is generally taken up by jurors and other people from the courts unless you are there first thing in the morning. It's really already insufficient parking. So I'm wondering what kind of arrangements Mr. Farahzad or the Town or both are going to make for the increased parking which a building, which I understand is to be an office building, will require a lot of parking than is already available. Do you have any information that you can give us now on that?"

Supervisor Janoski: "I believe that the Town Board is going to undertake as a project that parking lot which most nearly serves that part. One of the things that we have done in the past is to put in a number of control parking spaces that are limited to one hour or two hour parking so that individuals cannot just park there all day. That the parking serves the purpose for which it is intended to serve people to do business in the Town of Riverhead. That's one aspect. As far as the other part of your question I would allow Parviz to answer that."

Parviz Farahzad: "The parcel is in "D" Business Zoning and the parking is allowed. Basically it is provided by the Town. It's always been in the "D" District and a Business Zone and they have been paying taxes on that on that basis for years."

Supervisor Janoski: "Thank you Parviz."

Audrey Austin, Sag Harbor: "That I understand. That's why I'm here. I know that the gentlemen isn't required to do that. But we are still going to need more parking space over there. Since his seems to be the last vacant lot how are we going to get it?"

Supervisor Janoski: "Are you suggesting that the Town acquire it?"

Audrey Austin: "Yes, I am."

Supervisor Janoski: "That property?"

Audrey Austin: "No, not his property. Any property will provide more parking space on West Main Street because we have a disadvantage over there."

Supervisor Janoski: "The Town is willing to move forward on additional parking and would be very receptive from the merchants because you are the ones who pay for this. Any ideas on additional parking. But your observation is correct. That there is less public parking in that part of Town than in the other areas of the Town. But the district does provide that as a taxpayer he's entitled to the use of that parking."

Audrey Austin: "No, I understand that and I don't object. But I guess the answer to my question is at the moment you really don't have any plans to increase the parking on West Main Street."

Supervisor Janoski: "We have only I think a consideration to improve that parking lot which runs right along side Griffing Hardware and then goes around and comes out on Griffing Avenue. That is a project that I believe we should undertake. We have not had the preliminary plans done yet, but this is a project that we'll do this year. I don't know if our efforts will produce any additional parking. It would be nice if we did, but it certainly won't be too many. We have also tried to convince jurors to park in the County Parking Lot which is north of the railroad tracks and there is a sign to that effect. I think that if the Town does move to put in controlled parking of one or two hours, that is something that we can enforce to force that parking to move to the County Parking Lot. For years I have been trying to get the County to build a parking lot up on Court Street."

Audrey Austin: "Is there space up there for that?"

Supervisor Janoski: "Well I would like to have space there. As a matter of fact, Bob Scheiner was working for us, that is how long ago it was that we drew up some plans for a parking facility that we tried to convince the County to put in place. Is there anyone else who wishes to -----Mr. Haizlip."

Steve Haizlip, Calverton: "I just want to get cleared up on something. In building on property, as George keeps saying that he is entitled to build and use his property, but now I keep going back in my mind that he wants to go 100%. If he's got a 100 by 100 he wants to come right up to the lines. Now isn't there a rule in the Town or some kind of a law that 15% or 20% that has to be left there. Or is this special because it is a special permit and it will grant him 100%."

Supervisor Janoski: "That's the purpose of the application. The Zoning Code provides that in Business "D" which is the zone that exists downtown where the property is within the parking district, a special taxing district which provides off street parking that a property owner can apply for 100% lot coverage. And if you think about downtown most of those buildings go right up to the property line."

Steve Haizlip: "This is located on Main Street and by Griffing Hardware?"

Supervisor Janoski: "The property in question is separated from Griffing Hardware by a public parking area."

Steve Haizlip: "So in other words it's in a Business area. Okay. I understand."

Supervisor Janoski: "Anyone else? That being the case and without objection I declare the hearing to be closed at the hour of 8:40 P.M. Let us move on to the Water District Public hearing 32W. The clerk will please read the notice of public hearing."

P U B L I C H E A R I N G S 8:00, 8:05, 8:10 PM

Town Clerk, Irene J. Pendzick: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 8:00 PM on Tuesday, February 19, 1991 to hear all interested persons who wish to be heard regarding: EXTENSION 32 W TO THE RIVERHEAD WATER DISTRICT AND ALSO WATER EXTENSION 44."

SEE WATER MINUTES FOR PUBLIC HEARING.

P U B L I C H E A R I N G 8:15 P.M.

Town Clerk, Irene J. Pendzick: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 8:15 P.M. on Tuesday, February 19, 1991 to hear all interested persons who wish to be heard regarding: INCREASE AND IMPROVEMENT TO THE RIVERHEAD SEWER DISTRICT, JET VAC TRUCK."

SEE SEWER MINUTES FOR PUBLIC HEARING.

Supervisor Janoski: "Let's get on with the resolutions."

RESOLUTION #138 - APPROVES SPECIAL PERMIT OF GOLD'S GYM

Supervisor Janoski: I would request of the Town Board that in view of the support for the location of Gold's Gym in the downtown area and as we do want to have that business located here as soon as practical and as there was no opposition to the special permit to consider a resolution granting that special permit."

Councilman Vic Prusinowski: "I move resolution #138 Approving the Special Permit of Gold's Gym. So moved."

Councilman Jim Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Prusinowski, yes; Stark, yes; Civiletti, yes;
Janoski, yes. 4 YES 1 ABSENT

RESOLUTION #139 APPROVE JET VAC TRUCK PURCHASE

Supervisor Janoski: "I would also ask the Board to consider a resolution for the approval of the bid for the Jet Vet Truck in that the truck is obviously a specially constructed vehicle which requires six months for us to get delivery. So that I think that we should move ahead and not wait the additional two weeks until we place that order. So I would ask the Board to consider a resolution to that effect."

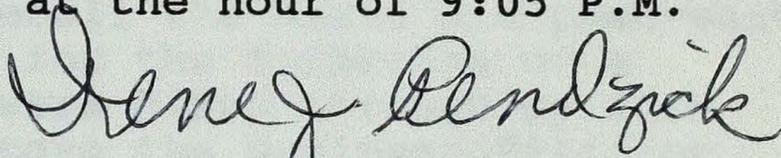
Councilwoman Civiletti: "So moved."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Prusinowski, yes; Stark, yes; Civiletti, yes;
Janoski, yes; 4 YES 1 ABSENT

Supervisor Janoski: "We thank you very much and without objection this meeting is adjourned at the hour of 9:05 P.M."



Irene J. Pendzick
Town Clerk

IJP:ch